

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOE CARL VALDEZ, SR.,

Plaintiff,

v.

JOHN D. SEIGLE, ET AL.,

Defendants.

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CIVIL ACTION NO. H-04-1950

MEMORANDUM OPINION AND ORDER

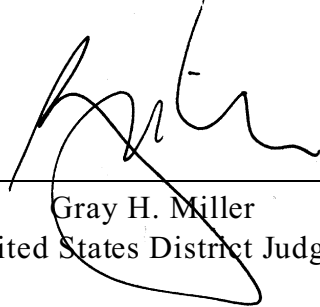
Plaintiff Joe Carl Valdez, Sr., a state inmate proceeding *pro se* and *in forma pauperis*, filed this civil rights action under 42 U.S.C. § 1983 complaining that he was denied access to the prison law library for three days. On July 10, 2006, the Court ordered plaintiff to submit a more definite statement of his claims. (Docket Entry No. 7.) In the order, the Court ordered plaintiff to file the statement by August 11, 2006. The Court warned plaintiff that his failure to timely comply may result in dismissal of this lawsuit for failure to prosecute.

To-date, plaintiff has failed to comply with the Court's order or request additional time to comply. Plaintiff's failure to file the more definite statement reflects his lack of due diligence in prosecuting this case. *See Martinez v. Johnson*, 104 F.3d 769 (5th Cir. 1997) (affirming dismissal for want of prosecution based on inmate's failure to respond to a summary judgment motion as ordered by the district court).

Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Any and all pending motions are **DENIED AS MOOT**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas on August 21, 2006.



Gray H. Miller
United States District Judge